

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

TERRY TINDAL,

Plaintiff,

v.

Case No. 8:19-cv-2907-T-60JSS

DEFENSE TAX GROUP, INC.;  
RELIANCE MEDICAL FINANCE, LLC;  
and CHRISTOPHER MARTIN SOLTON

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on September 11, 2020. (Doc. 26). Judge Sneed recommends that Plaintiff Terry Tindal's "Motion for Default Judgment" (Doc. 24) be denied without prejudice and that Plaintiff be given thirty days in which to file an amended motion for default judgment. On September 24, 2020, Plaintiff filed an objection to the report and recommendation. (Doc. 27).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews

legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Sneed's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sneed's detailed and well-reasoned factual findings and legal conclusions. The objection does not provide a basis for rejecting the report and recommendation.<sup>1</sup> Consequently, Plaintiff's "Motion for Default Judgment" (Doc. 24) is denied. However, Plaintiff may file an amended motion within thirty days that demonstrates service of process on each defendant.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Sneed's report and recommendation (Doc. 26) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's "Motion for Default Judgment" (Doc. 24) is **DENIED WITHOUT PREJUDICE**.
- (3) Plaintiff is directed to file an amended motion for default judgment, demonstrating service of process on each defendant, on or before December 4,

---

<sup>1</sup> Plaintiff in his objection to the report and recommendation submits new evidence not presented to the magistrate judge – amended affidavits of service. The Court declines to exercise its discretion to consider this new evidence presented for the first time in Plaintiff's objection. *See Williams v. McNeil*, 557 F.3d 1287, 1292 (11th Cir. 2009) ("The district court retained the final adjudicative authority and properly exercised its discretion in deciding whether to consider any new arguments raised by [the plaintiff] in his objections to the magistrate judge's report and recommendation.").

2020.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 4th day of  
November, 2020.



---

**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**